

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Sweeney, Patrick J.  
Title: VERTEBRAL PROSTHESIS  
Appl. No.: 10/686,998  
Filing Date: 10/16/2003  
Examiner: Miller, Cheryl L.  
Art Unit: 3738  
Conf. No.: 7428

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ **X** ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☒ The fee required for additional claims is calculated below:

|  | Claims<br>As<br>Amended |   | Previously<br>Paid For |   | Extra<br>Claims<br>Present |   | Rate     |   | Additional<br>Claims Fee |
|--|-------------------------|---|------------------------|---|----------------------------|---|----------|---|--------------------------|
| Total Claims:  | 30                      | - | 70                     | = | 0                          | x | \$52.00  | = | \$0.00                   |
| Independent<br>Claims:                               | 7                       | - | 8                      | = | 0                          | x | \$220.00 | = | \$0.00                   |
| First presentation of any Multiple Dependent Claims: |                         |   |                        |   |                            |   |          | + | \$390.00 = \$0.00        |
| CLAIMS FEE TOTAL                                     |                         |   |                        |   |                            |   |          | = | \$0.00                   |

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

|   |   |            |        |
|---|---|------------|--------|
| <input type="checkbox"/>                    | Extension for response filed within the first month:  | \$130.00   | \$0.00 |
| <input type="checkbox"/>                    | Extension for response filed within the second month: | \$490.00   | \$0.00 |
| <input type="checkbox"/>                    | Extension for response filed within the third month:  | \$1,110.00 | \$0.00 |
| <input type="checkbox"/>                    | Extension for response filed within the fourth month: | \$1,730.00 | \$0.00 |
| <input type="checkbox"/>                    | Extension for response filed within the fifth month:  | \$2,350.00 | \$0.00 |
| EXTENSION FEE TOTAL:                        |   |            | \$0.00 |
| <input type="checkbox"/>                    | Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):     | \$140.00   | \$0.00 |
| CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL: |   |            | \$0.00 |
| <input checked="" type="checkbox"/>         | Small Entity Fees Apply (subtract ½ of above):        |            | \$0.00 |
| Extension Fees Previously Paid:             |   |            | \$0.00 |
| TOTAL FEE:                                  |   |            | \$0.00 |

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 18, 2009

By /James D. Borchardt/

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 319-7077  
Facsimile: (414) 297-4900

James D. Borchardt  
Attorney for Applicant  
Registration No. 62,025